

### **REMARKS**

Claims 55-93 are pending and stand rejected. Claims 55, 78 and 80 are independent. Claims 1-54 were cancelled without prejudice.

#### **Re-opening of Prosecution**

The Examiner's Answer dated September 15, 2009 designated "New Grounds of Rejection" in addition to the "Final Grounds of Rejection." Accordingly, pursuant to 37 C.F.R. §41.39(b)(1), Applicant hereby requests that prosecution be reopened with the attached amendment.

#### **Amendments**

In response to the new ground of rejection of claims 80-93 under 35 U.S.C. § 101, with which Applicant does not necessarily agree, Applicant has amended claim 80 to clarify that the recited method steps are performed by and tied to "a computing device." It is believed this amendment overcomes the outstanding non-statutory subject matter rejection of claims 80-93. Withdrawal of this ground of rejection is respectfully requested.

#### **The Final Grounds of Rejection**

Regarding the Final Grounds of Rejection, Applicant respectfully maintains that they are improper and should be withdrawn. Since Applicant's position has been fully briefed in the papers submitted to the Board, Applicant respectfully refers the Examiner to the remarks and arguments presented in those papers as if they are incorporated herein.

**Conclusion**

In view of the above, each of the claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

It is believed that no fee is due with this submission. Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 50-4494, and please credit any excess fees to the same deposit account.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Dated: October 26, 2009  
Twice Re-submitted: January 6, 2010

Respectfully submitted,

By           / Carl Benson /            
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